D.B. CIVIL SPECIAL APPPEAL NO.66/2006

LRs of Ram Chandra & Ors. Vs. Smt. Sharbati & Ors.

Date : 08.12.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Rajesh Choudhary for the appellant.
Mr. Mridul Jain for the respondent.

Having heard learned counsel for the parties we are satisfied that the appellant had sufficient cause for non-appearance on 18.1.2005 when the Civil Second Appeal No.41/2004 was dismissed in default. Therefore, in our opinion, the restoration application has erroneously been rejected.

Accordingly, the appeal is allowed. The order under appeal is set aside. The restoration application No.6/2005 in S.B. Civil Second Appeal No.41/2004 is allowed and the aforesaid second appeal is restored to its original number.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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